

## Remarks

### Request for Reconsideration

Applicant has carefully considered the matters raised by the Examiner in the outstanding Office Action, but remains of the position that patentable subject matter is present. Applicant respectfully requests reconsideration of the Examiner's position based on the amendments to the claims and the following remarks.

### Claim Status

Claims 1-3 and 5 – 15 are pending, claim 4 having been cancelled herein.

Claims 4 and 10-13 had been indicated as allowable if rewritten to overcome the rejection under 35 USC 112 and placed into independent form. In the interest of expediting the prosecution of this application, claim 1 has been amended to include the limitations of claim 4 (which has been cancelled) and to address the 112 rejection. Claim 10 has similarly been rewritten in independent form.

### The Rejections

Claims 1 – 15 had been rejected under 35 USC 112, second paragraph as being indefinite, specifically with regard to claims 1 and 4. Claim 1 has been amended to include the limitations of now canceled claim 4, and to obviate this rejection.


Claims 1 - 3 and 5 - 9, 14 and 15 were rejected under 35 USC 103(a) as being unpatentable over Chambert in view of Hoffmann et al. It is submitted that this claim is now moot.

Conclusion

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and such action is respectfully requested. Should any extensions of time or fees be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit Account # 02-2275.

Respectfully submitted,

LUCAS & MERCANTI, LLP

By:   
Donald C. Lucas 31,275  
Attorney for Applicant(s)  
475 Park Avenue South, 15<sup>th</sup> Floor  
New York, NY 10016  
Tel. # 212-661-8000

DCL/JP/ns